

**Executive Summary – Enforcement Matter – Case No. 44755**  
**Orange County Water Control Improvement District No. 1**  
**RN102183035**  
**Docket No. 2012-1632-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Tiger Lake Plant, located approximately 3,500 feet southwest of the intersection of Farm-to-Market Road 1132 and State Highway 105, Orange County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 16, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,858

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$9,858

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 44755**  
**Orange County Water Control Improvement District No. 1**  
**RN102183035**  
**Docket No. 2012-1632-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** July 24, 2012  
**Date(s) of NOE(s):** August 8, 2012

***Violation Information***

Failed to comply with permitted effluent limits for pH, chlorine, flow, ammonia nitrogen, and total suspended solids [Texas Pollutant Discharge Elimination System Permit No. WQ0010875003, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 90 days, submit written certification demonstrating compliance with the permitted effluent limitations of TPDES Permit No. WQ0010875003, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Darlene Jackson, District Manager, Orange County Water Control Improvement District No. 1, 406 East Bolivar Street, Vidor, Texas 77662  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

**DATES** Assigned **13-Aug-2012**  
PCW **15-Aug-2012** Screening **13-Aug-2012** EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent **Orange County Water Control Improvement District No. 1**  
Reg. Ent. Ref. No. **RN102183035**  
Facility/Site Region **10-Beaumont** Major/Minor Source **Minor**

## CASE INFORMATION

Enf./Case ID No. **44755** No. of Violations **1**  
Docket No. **2012-1632-MWD-E** Order Type **Findings**  
Media Program(s) **Water Quality** Government/Non-Profit **Yes**  
Multi-Media  Enf. Coordinator **Jorge Ibarra, P.E.**  
EC's Team **Enforcement Team 3**  
Admin. Penalty \$ Limit Minimum  \$0 Maximum  \$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1  **\$1,000**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **150.0%** Enhancement Subtotals 2, 3, & 7  **\$1,500**

Notes Enhancement for two agreed orders containing denial of liability, one agreed order without denial of liability, two NOV's with same/similar violations, and 15 months of self-reported effluent violations.

**Culpability** **No** **0.0%** Enhancement Subtotal 4  **\$0**

Notes The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** Subtotal 5  **\$0**

**Economic Benefit** **0.0%** Enhancement\* Subtotal 6  **\$0**

Total EB Amounts  \$460  
Approx. Cost of Compliance  \$5,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal  **\$2,500**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **-1.2%** Adjustment  **-\$30**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommend reduction in penalty amount to prevent double-enhancement for same violations that were self-reported.

Final Penalty Amount  **\$2,470**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty  **\$2,470**

**DEFERRAL**  **0.0%** Reduction Adjustment  **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**  **\$2,470**

Screening Date 13-Aug-2012

Docket No. 2012-1632-MWD-E

PCW

Respondent Orange County Water Control Improvement Distri

Policy Revision 2 (September 2002)

Case ID No. 44755

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102183035

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	17	85%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 150%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for two agreed orders containing denial of liability, one agreed order without denial of liability, two NOVs with same/similar violations, and 15 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 150%

Screening Date 13-Aug-2012

Docket No. 2012-1632-MWD-E

PCW

Respondent Orange County Water Control Improvement District No. 1

Policy Revision 2 (September 2002)

Case ID No. 44755

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102183035

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010875003, Effluent Limitations and Monitoring Requirements No. 3, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on July 24, 2012. See attached Effluent Limit Violation Table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended for the quarter containing the month of July 2011.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

X	(mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$460

Violation Final Penalty Total \$2,470

This violation Final Assessed Penalty (adjusted for limits) \$2,470

# Economic Benefit Worksheet

**Respondent** Orange County Water Control Improvement District No. 1

**Case ID No.** 44755

**Reg. Ent. Reference No.** RN102183035

**Media** Water Quality

**Violation No.** 1

**Percent Interest** 5.0 | **Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Jul-2011	1-Jun-2013	1.84	\$460	\$460

**Notes for DELAYED costs**

Estimated cost to determine the cause of noncompliance and to make any necessary adjustment/repairs to the Facility to ensure compliance with permitted effluent limits. Date required is the first date of non-compliance; and the final date is the expected compliance date.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

31

\$460



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

**DATES**

**Assigned**

13-Aug-2012

**PCW**

15-Aug-2012

**Screening**

13-Aug-2012

**EPA Due**

## RESPONDENT/FACILITY INFORMATION

**Respondent**

Orange County Water Control Improvement District No. 1

**Reg. Ent. Ref. No.**

RN102183035

**Facility/Site Region**

10-Beaumont

**Major/Minor Source**

Minor

## CASE INFORMATION

**Enf./Case ID No.**

44755

**Docket No.**

2012-1632-MWD-E

**Media Program(s)**

Water Quality

**Multi-Media**

**No. of Violations**

1

**Order Type**

Findings

**Government/Non-Profit**

Yes

**Enf. Coordinator**

Jorge Ibarra, P.E.

**EC's Team**

Enforcement Team 3

**Admin. Penalty \$ Limit Minimum**

\$0

**Maximum**

\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1**

\$3,750

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

100.0%

Enhancement

**Subtotals 2, 3, & 7**

\$3,750

**Notes**

Enhancement for two agreed orders containing denial of liability, one agreed order without denial of liability, two NOV's with same/similar violations, and 15 months of self-reported effluent violations.

**Culpability**

No

0.0%

Enhancement

**Subtotal 4**

\$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5**

\$0

**Economic Benefit**

Total EB Amounts

\$0

Approx. Cost of Compliance

\$0

0.0% Enhancement\*

\*Capped at the Total EB \$ Amount

**Subtotal 6**

\$0

**SUM OF SUBTOTALS 1-7**

**Final Subtotal**

\$7,500

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

-1.5%

**Adjustment**

-\$112

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

Recommend reduction in penalty amount to prevent double-enhancement for same violations that were self-reported.

**Final Penalty Amount**

\$7,388

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty**

\$7,388

**DEFERRAL**

0.0%

Reduction

**Adjustment**

\$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

\$7,388

Screening Date 13-Aug-2012

Docket No. 2012-1632-MWD-E

PCW

Respondent Orange County Water Control Improvement Distri

Policy Revision 3 (September 2011)

Case ID No. 44755

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102183035

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	17	85%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 150%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for two agreed orders containing denial of liability, one agreed order without denial of liability, two NOVs with same/similar violations, and 15 months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 150%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%



Screening Date 13-Aug-2012

Docket No. 2012-1632-MWD-E

PCW

Respondent Orange County Water Control Improvement District No. 1

Policy Revision 3 (September 2011)

Case ID No. 44755

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102183035

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010875003, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on July 24, 2012. See attached Effluent Limit Violation Table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids, flow, and chlorine residual values were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 3

121 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended for the quarters containing the months of October 2011, January, February and April 2012.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,388

This violation Final Assessed Penalty (adjusted for limits) \$7,388

# Economic Benefit Worksheet

**Respondent** Orange County Water Control Improvement District No. 1

**Case ID No.** 44755

**Reg. Ent. Reference No.** RN102183035

**Media** Water Quality

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

See economic benefit for Violation No. 1 on the accompanying PCW.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$0

**TOTAL**

\$0

Orange County Water Control Improvement District No. 1  
 RN102183035, Case No. 44755, TPDES Permit No. WQ0010875003  
 Docket No. 2012-1632-MWD-E

<b><i>EFFLUENT PARAMETER</i></b>								
<b><i>Permit Limit</i></b>								
	pH Minimum	Cl <sub>2</sub> Residual Minimum Conc.	Flow	NH <sub>3</sub> N Daily Average Conc.	NH <sub>3</sub> N Daily Average Loading	TSS Daily Average Conc.	TSS Single Grab Conc.	TSS Daily Average Loading
<i>Month/Year</i>	6.0 su	1 mg/L	0.255 MGD	3 mg/L	6 lb/d	15 mg/L	60 mg/L	32 lb/d
July 2011	5.8	c	c	c	c	c	c	c
October 2011	c	0.13	c	c	c	c	c	c
January 2012	c	c	c	4.4	10.1	19.9	84	55
February 2012	c	c	0.3225	3.4	c	c	c	c
April 2012	c	c	c	5.7	7.7	c	c	c

MGD = million gallons per day   su = standard units   mg/L = milligrams per liter  
 c = compliant   lb/d = pounds per day   Conc. = concentration   NH<sub>3</sub>N = ammonia nitrogen  
 Cl<sub>2</sub> = chlorine   TSS = total suspended solids



# Compliance History Report

Customer/Respondent/Owner-Operator:	CN601441850	Orange County Water Control and Improvement District No. 1	Classification: AVERAGE	Rating: 2.19
Regulated Entity:	RN102183035	TIGER LAKE PLANT	Classification: AVERAGE	Site Rating: 3.48
ID Number(s):	WASTEWATER	PERMIT		WQ0010875003
	WASTEWATER	EPA ID		TX0108073
	WASTEWATER LICENSING	LICENSE		WQ0010875003
Location:	Located approximately 3,500 feet southwest of the intersection of Farm-to-Market Road 1132 and State Highway 105 in Orange County, Texas			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	August 13, 2012			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 13, 2007 to August 13, 2012			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jorge Ibarra, P.E.	Phone:	(817) 588-5890	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 02/08/2008

ADMINORDER 2007-1101-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 04/25/2010

ADMINORDER 2009-1793-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 05/08/2011

ADMINORDER 2010-1777-MWD-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PC 2g PERMIT

Description: Failed to prevent the discharge of municipal wastewater into water in the state.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/19/2012	(1005110)
2	04/17/2012	(1011666)
3	05/16/2012	(1018045)
4	08/09/2012	(1021576)
5	06/12/2012	(1025785)
6	08/29/2007	(605324)
7	09/11/2007	(605325)
8	10/19/2007	(629215)
9	12/10/2007	(629216)
10	12/20/2007	(629217)
11	02/25/2008	(636520)
12	03/31/2008	(640501)
13	04/08/2008	(640656)
14	02/21/2008	(676641)
15	03/18/2008	(676642)
16	01/16/2008	(676643)
17	04/21/2008	(695187)
18	05/21/2008	(695188)
19	06/20/2008	(716693)
20	07/22/2008	(716694)
21	09/25/2008	(716695)
22	09/18/2008	(716696)
23	09/30/2008	(732135)
24	10/17/2008	(732136)
25	11/10/2008	(732137)
26	06/10/2009	(744245)
27	02/16/2009	(755474)
28	03/13/2009	(755475)
29	04/20/2009	(755476)
30	12/29/2008	(755477)
31	01/13/2009	(755478)
32	05/26/2009	(772542)
33	06/11/2009	(772543)
34	09/25/2009	(776376)
35	10/29/2009	(776825)
36	02/11/2010	(817706)
37	08/13/2009	(817707)
38	09/14/2009	(817708)
39	09/14/2009	(817709)
40	10/30/2009	(817710)
41	12/10/2009	(817711)
42	12/10/2009	(817712)
43	01/11/2010	(817713)
44	03/10/2010	(835442)
45	04/20/2010	(835443)

46	05/18/2010	(835444)
47	06/20/2010	(847667)
48	07/20/2010	(862070)
49	11/16/2010	(865195)
50	08/31/2010	(868657)
51	09/20/2010	(875546)
52	10/18/2010	(883089)
53	01/03/2011	(884620)
54	11/18/2010	(889502)
55	12/20/2010	(897865)
56	01/20/2011	(903769)
57	02/17/2011	(910658)
58	03/20/2011	(917915)
59	04/11/2011	(929742)
60	05/20/2011	(939614)
61	06/20/2011	(947029)
62	07/19/2011	(954286)
63	08/31/2011	(960868)
64	09/19/2011	(966962)
65	10/20/2011	(972929)
66	11/18/2011	(979064)
67	12/13/2011	(985900)
68	01/20/2012	(992254)
69	02/13/2012	(999564)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	09/30/2007	(629215)	CN601441850	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	04/30/2008	(695188)	CN601441850	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/28/2009	(755475)	CN601441850	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	04/30/2009	(772542)	CN601441850	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	06/10/2009	(744245)	CN601441850	
Self Report?	NO			Classification: Minor
Citation:	OT 7, Pg. 23 PERMIT			

Description:	Failure by Orange County WCID #1 to submit complete annual sludge reports by September 1, of each year.		
Self Report?	NO	Classification:	Moderate
Citation:	EL&MR 1, Pg. 2 PERMIT		
Description:	Failure by Orange County WCID 1 to comply with total suspended solids daily average effluent limitation of 15 mg/l.		
Date:	06/30/2009	(817707)	CN601441850
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2009	(817711)	CN601441850
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2009	(817713)	CN601441850
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2010	(835442)	CN601441850
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2010	(875546)	CN601441850
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/17/2010	(865195)	CN601441850
Self Report?	NO	Classification:	Minor
Citation:	Permit EL&MR No. 6, Page 2 PERMIT		
Description:	Failure to discharge effluent within permit limitations.		
Self Report?	NO	Classification:	Moderate
Citation:	Permit EL&MR No. 1, Page 2 PERMIT		
Description:	Failure to discharge effluent within permit limitations.		
Date	07/31/2011	(960868)	CN601441850
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2011	(979064)	CN601441850
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2012	(999564)	CN601441850
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		



Date	02/29/2012	(1005110)	CN601441850	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date	04/30/2012	(1018045)	CN601441850	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date	05/31/2012	(1025785)	CN601441850	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ORANGE COUNTY WATER  
CONTROL IMPROVEMENT  
DISTRICT NO. 1  
RN102183035**

**§        BEFORE THE  
§  
§  
§        TEXAS COMMISSION ON  
§  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-1632-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Orange County Water Control Improvement District No. 1 ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located approximately 3,500 feet southwest of the intersection of Farm-to-Market Road 1132 and State Highway 105 in Orange County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on July 24, 2012, TCEQ staff documented that the Respondent did not comply with permitted effluent limits, as shown in the table below:

<b><i>EFFLUENT PARAMETER</i></b>								
<b><i>Permit Limit</i></b>								
	pH Minimum	Cl <sub>2</sub> Residual Minimum Conc.	Flow	NH <sub>3</sub> N Daily Average Conc.	NH <sub>3</sub> N Daily Average Loading	TSS Daily Average Conc.	TSS Single Grab Conc.	TSS Daily Average Loading
<i>Month/Year</i>	6.0 su	1 mg/L	0.255 MGD	3 mg/L	6 lb/d	15 mg/L	60 mg/L	32 lb/d
July 2011	5.8	c	c	c	c	c	c	c
October 2011	c	0.13	c	c	c	c	c	c
January 2012	c	c	c	4.4	10.1	19.9	84	55
February 2012	c	c	0.3225	3.4	c	c	c	c
April 2012	c	c	c	5.7	7.7	c	c	c

MGD = million gallons per day   su = standard units   mg/L = milligrams per liter  
c = compliant   lb/d = pounds per day   Conc. = concentration   NH<sub>3</sub>N = ammonia nitrogen  
Cl<sub>2</sub> = chlorine   TSS = total suspended solids

4. The Respondent received notice of the violations on August 13, 2012.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010875003, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 3, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a).

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Nine Thousand Eight Hundred Fifty-Eight Dollars (\$9,858) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Nine Thousand Eight Hundred Fifty-Eight Dollar (\$9,858) administrative penalty.

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Nine Thousand Eight Hundred Fifty-Eight Dollars (\$9,858) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Orange County Water Control Improvement District No. 1, Docket No. 2012-1632-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010875003, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

4/18/13  
Date

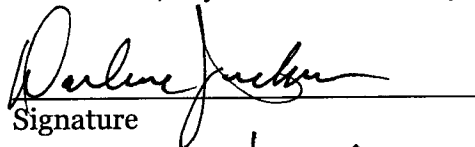
I, the undersigned, have read and understand the attached Agreed Order in the matter of Orange County Water Control Improvement District No. 1. I am authorized to agree to the attached Agreed Order on behalf of Orange County Water Control Improvement District No. 1, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Orange County Water Control Improvement District No. 1 waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

Darlene Jackson  
Name (Printed or typed)

Authorized Representative of  
Orange County Water Control Improvement District No. 1

9/14/12  
Date

District Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.